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February 19, 2010

Via E-File

The Honorable Joel A. Pisano
United States District Court
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

Re: Everest, et al. v. Sutton, et al.
Civil Action No. 09-4758(JAP)

Dear Judge Pisano:

We are local counsel for the Defendants in this action. We write to request a one-week extension to file reply motion papers for Defendants' motion that is returnable March 1, 2010. As indicated in Defendants' motion, Plaintiffs filed a similar Complaint in the District of Colorado (the "Colorado Action"). Recently, Plaintiffs filed substantial motions against the Defendants in the Colorado Action. Accordingly, Plaintiffs' limited resources have been allocated to opposing Plaintiffs' Colorado motions.

Moreover, in this action, Plaintiffs filed their extensive opposition (30 page brief and 300 page certification) after-hours on Tuesday, February 16, 2010. Thus, Defendants have been afforded only three business days to review Plaintiffs' voluminous opposition papers and prepare a reply.

Defendants do not consent to Plaintiffs' extension request. However, in light of the foregoing, we respectfully request Your Honor grant Defendants' reasonable request.

*Request granted
So ordered*

[Signature]

MANDELBAUM, SALSBURG, GOLD, LAZRIS & DISCENZA
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February 19, 2010
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Thank you for your kind attention to this matter.

Respectfully submitted,

/s Phillip G. Ray
PHILLIP G. RAY

cc: David D'Aloia, Esq. (via e-file)

PGR/sd